

Richmond Wiretap Probe Shifted

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Justice Department officials said yesterday they have switched grand juries in the "highly sensitive" probe into the FBI's handling of an illegal wiretap placed by Richmond police.

A department spokesman said the change was believed "wise" because an assistant U.S. attorney who had been regularly appearing before the initial grand jury as a prosecutor also was called as a witness in the wiretap investigation.

G. Rodney Sager, the attorney, is also viewed as a possible witness in any case that might result from the investigation, the spokesman said.

In Richmond, U.S. Attorney William B. Cummings described the change in juries as "not at all uncommon" and said it was made with his approval and that of Guy L. Godwin, a Justice Department lawyer from Washington who is in charge of the investigation.

The initial grand jury was a regular panel assigned to hear routine criminal cases and the second grand jury is "more in the role of an investigative grand jury," Cummings said. The second jury has been meeting in Richmond for several months while it conducted an investigation into charges of corruption in the Richmond office of the Small Business Administration, he said.

Five Richmond FBI agents, including the special agent in charge of the office, James E. Decker, have been placed on administrative leave with pay pending the completion of the wiretap investigation. The grand jury began its work after the Justice Department received a report on the discovery of the wiretap that was "less than complete," according to one source close to the investigation.

Three FBI agents reportedly were called to an apartment in suburban Henrico County outside Richmond this summer to

investigate a wiretap that a maintenance man said he found in a vacant apartment. Instead of confiscating the wiretapping device, as required by Justice Department rules, the agents returned the device to Richmond police, the source has said.

The device has since been reported missing. Under Virginia law only State Police are permitted to conduct wiretaps and then only under court approval. The Henrico County tap was not approved by state authorities, officials have said.

Cummings said yesterday that he didn't know when the grand jury would complete its wiretap investigation, but said the switch to the SBA grand jury would not delay its work "more than a couple of hours." Under federal rules, a grand jury may be read the testimony of another grand jury and proceed to issue indictments based on the other jury's evidence, he said.

A source close to the investigation has said that the FBI agents are being investigated for possible indictment on obstruction of justice charges for the way they handled the wiretap case.

The SBA investigation is being handled by members of a Justice Department organized crime unit and Cummings said he is hopeful that their work can "conclude this fall."